



ANNO SEXTO

GEORGIIV. REGIS.



Cap. lxxxvii.

An Act for more effectually repairing and improving the Roads from *Sheet Bridge* to *Portsmouth*, and from *Petersfield* to the *Alton* and *Alresford* Turnpike Road, near *Ropley*, in the County of *Southampton*; and for making and maintaining a new Branch of Road to communicate therewith.

[20th May 1825.]

WHEREAS an Act was passed in the Twelfth Year of the 12G.3.c.108.
Reign of His late Majesty King *George* the Third, intituled
An Act for repairing and widening the Roads from Sheet Bridge
to Portsmouth, and from Petersfield to the Alton Turnpike Road, near
Ropley, in the County of Southampton: And whereas an Act was passed 36G.3.c.135.
in the Thirty-sixth Year of the Reign of His said late Majesty, intituled
An Act to continue the Term and Powers of an Act passed in the Twelfth
Year of the Reign of His said late Majesty King George the Third, for
repairing, altering, and keeping in repair the Roads from Sheet Bridge to
Portsmouth, and from Petersfield to the Alton Turnpike Road, near Ropley,
in the County of Southampton: And whereas an Act was passed in the 1 & 2 G. 4.
First and Second Year of the Reign of His present Majesty King *George* c. 56.
the Fourth, intituled *An Act to continue the Term and alter and enlarge*
the Powers of Two Acts for repairing the Roads from Sheet Bridge to
[Local.] 24 X Portsmouth,

Portsmouth, and from Petersfield to the Alton Turnpike Road, near Ropley, in the County of Southampton: And whereas an Act was passed in the Third Year of the Reign of His present Majesty King George the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fourth Year of the Reign of His said present Majesty King George the Fourth, intituled *An Act to explain and amend an Act passed in the Third Year of the Reign of His present Majesty, to amend the general Laws now in being for regulating Turnpike Roads in that Part of Great Britain called England*: And whereas an Act was passed in the Fifth Year of the Reign of His said present Majesty King George the Fourth, intituled *An Act to enable the Justices of the Peace for Ridings, Divisions, or Sokes, to act as Trustees for repairing and maintaining Turnpike Roads*: And whereas the Trustees appointed in or by virtue of the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King George the Third, and the First and Second Year of the Reign of His said present Majesty King George the Fourth, have proceeded to put the same in Execution, and have made considerable Progress in repairing and improving the Roads therein mentioned: And whereas the diverting, widening, making, maintaining, and repairing the Road from the Town of *Petersfield*, in the said County of *Southampton*, to the *Alton* and *Alresford* Turnpike Road leading to *London*, between the Fifty-fifth and Fifty-fourth Milestones, in the said County of *Southampton*, would be of great Advantage and Convenience to the Owners and Occupiers of Lands in the Neighbourhood of the said Roads, and would also be of great public Utility: And whereas it would be more convenient if the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King George the Third, and the First and Second Years of the Reign of His said present Majesty King George the Fourth, were repealed, so far as the said Acts relate to the said Road leading from *Petersfield* to the *Alton* Turnpike Road near *Ropley*; and further, better, and more effectual Powers granted, as well for the making, maintaining, diverting, widening, and otherwise improving the said new Road herein-before mentioned, as for repairing, widening, diverting, and improving the present Roads included and comprised in the same Act; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King George the Third, and the First and Second Year of the Reign of His said present Majesty King George the Fourth, shall be and the same are hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever, so far as the same respectively relate to the said Road leading from *Petersfield* to the *Alton* Turnpike Road near *Ropley*, in the said County of *Southampton*; and on the same Day this Act shall commence and take effect instead thereof, and shall be put in Execution for and during the Term hereinafter mentioned, as well for the Purpose from Time to Time of repairing, widening, altering, diverting, and otherwise improving the Road from

Recited Acts
 12 and 36 G. 3.
 and 1 & 2 G. 4.
 repealed, and
 this Act to
 take effect
 instead
 thereof.

from the said Town of *Petersfield* to the *Alton* and *Alresford* Turnpike Road leading to *London*, between the Fifty-fifth and Fifty-fourth Milestones, at a certain Place there called *Ropley Dean*, in the said County of *Southampton*.

II. And be it further enacted, That this Act and the Tolls hereby granted shall and are hereby declared to be charged with the Payment of all Monies which have been borrowed, or which are now due and owing on the Credit or on Account of the Tolls granted by the said recited Act of the Twelfth Year of the Reign of His said late Majesty King *George* the Third, and of the Interest due and to grow due thereon respectively, as fully and effectually as if such Monies had been borrowed or become due and owing on the Credit or on Account of the Tolls granted by this Act.

Tolls granted by this Act charged with all Money owing on the Credit of the former Acts.

III. And be it further enacted, That the said recited Act, passed in the Third Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are varied, altered, or repealed by the said recited Act of the Fourth Year of the Reign of His present Majesty, or varied, altered, or otherwise provided for by this Act), and also the said recited Acts passed in the Fourth and Fifth Years of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are varied, altered, or otherwise provided for by this Act), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of the recited Acts 3, 4, and 5 G.4. extended to this Act.

IV. And be it further enacted, That all Bonds, Covenants, Agreements, and Securities, made or entered into by any Person or Persons to or with any of the Trustees for executing the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King *George* the Third, and the First and Second Year of the Reign of His present Majesty King *George* the Fourth, or to or with any of their Officers by their Order or Direction, according to the Provisions and Directions thereof respectively, shall remain in full Force and Effect, and shall be and continue available in all Courts of Law and Equity until the same are fully paid, satisfied, and performed; and all Contracts, Agreements, Demises, Mortgages, and Securities duly made or entered into by the Trustees for executing the said recited Acts hereby repealed, or by any of their Officers by their Order or Direction, to or with any Person or Persons, shall remain in full Force and Effect, and shall be binding on the Trustees for executing this Act, and the said recited Acts passed in the Third, Fourth and Fifth Years of the Reign of His said present Majesty, and shall be observed and kept by them according to the Terms, Stipulations, and Tenor thereof respectively.

Bonds and Securities entered into under the repealed Acts to remain in force until satisfied and paid.

V. And be it further enacted, That all Books containing the Accounts and Proceedings of the Trustees for executing the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His said late

Books used under former Acts to be Evidence.

late Majesty King *George* the Third, and the First and Second Year of the Reign of His present Majesty, and made Evidence thereby, shall and may be given in Evidence in all Cases of Appeal, and in all Prosecutions, Suits, Actions, and Proceedings whatsoever, touching any Question arising by virtue of any thing done in pursuance or under the Authority of this Act.

Officers
under the
former Acts
to account to
the Trustees
for executing
this Act.

VI. And be it further enacted, That all Persons who have been employed, or who shall have received any Tolls or other Money by virtue or in pursuance of the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King *George* the Third, and the First and Second Year of the Reign of His said present Majesty, or who shall have in their Custody or Possession any Books, Accounts, Papers, Writings, or Things relating to the said Roads, shall account, pay, and deliver over the same to the said Trustees, in like Manner and under the like Penalties as are by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, or any of them, inflicted in respect of Persons receiving any Monies, or having the Possession of any Books, Writings, or other Things, by virtue of the said Acts and this Act.

Trustees.

VII. And be it further enacted, That all His Majesty's Justices of the Peace for the Time being, acting for the said County of *Southampton*, together with the Honourable Sir *Charles Paget*, the Honourable *Henry Legge*, the Honourable *Heneage Legge*, the Honourable *James Rodney*, the Honourable *Robert Rodney*, the Honourable *William Gage*, Sir *Charles Hamilton* Baronet, Sir *Henry Fetherstonehaugh* Baronet, Reverend Sir *Samuel Jervoise* Baronet, Sir *Henry Joseph Tichborne* Baronet, Sir *William Knighton* Baronet, *Nathaniel Atcheson*, *Robert Shank Atcheson*, Reverend *Anthony Singleton Atcheson*, *Samuel Andrews*, *Henry Clifton Atkinson*, *John Atkinson*, *Henry Atkinson*, *Alderson*, *Thomas Bonham*, *William Tyrrell Boyce*, *William Budd* of *Ropley*, *James Barnard*, *Alexander Baring*, *Francis Baring*, *Henry Budd*, *Thomas Bulpett*, *Francis Brewer*, *John Carter*, *Christopher Cooke*, *Thomas Clement*, *Benjamin Clement*, *William Clement*, *James Clement*, *William Carpenter*, *Henry Chawner*, Reverend *John Coles*, *Thomas Chitty*, *John Chase*, Reverend *James Cookson*, *John Dunn*, *John Duthy*, *Thomas Lewis Owen Davies*, Reverend *John Docker*, *Richard Eyles*, *William Eggar*, *John Fleming*, *John Fulleck*, *Henry Christopher Fullagar*, *Charles Greetham*, Reverend *Cornelius Green*, *Edward Hopkins*, *Carew Hopkins*, General *Francis Hugonin*, Colonel *James John Hugonin*, *John Hunt*, *Moses Hoper*, *William Harmsworth*, *Cornthwaite John Hector*, *Cornthwaite Hector*, Reverend *James Henville*, *Smith Howard*, *Edward Hunt*, *John Hunt*, *John Hunt* the younger, *John Holden*, *Hilton Jolliffe*, Reverend *William John Jolliffe*, *George Purefoy Jervoise*, Sir *William George Hilton Jolliffe*, *Edward Knight*, *Edward Knight* the younger, *Fielder King*, *George King*, *Edward Knapp*, *William Lang*, *Launcelot Lipscomb*, *John Lipscomb*, *George Leer*, *John Leech*, *James Macdonald*, *John Mellersh*, Reverend *Samuel Maddock*, *John Meeres*, *John Mayhew*, *John Mundy*, *William Mitchell*, Reverend *Francis North*, *Richard Norris*, *William Nicholas*, *John Neale*, *Aaron Fernandes Nunex*, *John Jeffery Powell*, *Edward Patrick*, *Edward Patrick* the younger, *William Peskett*, *Pechell*, Reverend *Brownlow Poulter*, Reverend *Edmund Poulter*,
Samuel

Samuel Padwick, Stephen William Poyntz, Daniel Quarrier Doctor of Medicine, *Michael Rivers, James Redman, John Richardson, William Rivers, John Edward Shackelford, Thomas Shaft, William Smither, John Silvester, William Silvester, James Scott, James Scott the younger, Samuel Seaward, Charles William Taylor, Samuel Twyford, Samuel Twyford the younger, Reverend Charles Edward Twyford, Thomas Roger Ridge, Reverend Richard George Richards, Reverend John Whicher, William Wilkinson, Daniel Whitear, Robert Waight, James Whicher, Reverend William Wells, Benjamin Whitear, Reverend Thomas Westcombe, James White, John Eames Waight, James Eames Waight, John Trueman Villebois,* and their Successors, being duly qualified according to the Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, shall be and they are hereby appointed the Trustees for carrying the said Acts and this Act into full and complete Execution.

VIII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby empowered, at their First and Second Meetings, or either of them, to be held under the Authority of this Act, to elect any Number of Persons, duly qualified according to the Provisions and Directions of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His present Majesty, not exceeding Three in the whole, to be Trustees for the Purposes of the said Acts and this Act; and such Trustees so elected, and being duly qualified, shall be and they are hereby invested with the same Powers and Authorities for executing this Act, and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, as if they had been hereby expressly nominated and appointed.

Power to appoint an additional Number of Trustees.

IX. And be it further enacted, That every Clerk, Collector of Tolls, and all other Officers, except the Treasurer, nominated and appointed under and by virtue of the said recited Acts hereby repealed, shall hold and enjoy their respective Offices and Employments, and shall have the like Indemnities, Privileges, Powers and Authorities, for and in carrying the said Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, and this Act, into Execution, and be subject and liable to the like Pains, Penalties, and Powers of Removal, and to the like Regulations in all respects whatsoever, as if he or they had been appointed under or by virtue of this Act.

Old Officers (except the Treasurer) to continue.

X. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person or Persons who has or have been or may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or any Person or Persons in the Service or Employ of such Clerk or Clerks, or of his or their Partner or Partners, the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner or Partners of any such Treasurer, or any Person or Persons in the Service or Employ of any such Treasurer, or of his or their Partner or Partners, the Clerk or Clerks to the said Trustees; and if any Person or Persons

Same Person not to be Treasurer and Clerk.

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shall

shall accept both the Offices of Clerk and Treasurer for the Purposes of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer, or in the Service or Employ of any such Treasurer, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of the said Acts and this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

First Meeting of Trustees.

XI. And be it further enacted, That for putting the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act into Execution, the said Trustees shall and may and they are hereby required to meet at the *Dolphin Inn* in the Town of *Petersfield*, or at some other convenient Place near the said Roads, on the Third *Friday* next after the passing of this Act, or as soon after as conveniently may be, for the Purpose of proceeding to execute the same, and the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty, at Eleven of the Clock in the Forenoon.

Trustees may continue, alter, or increase Turnpike Gates.

XII. And be it further enacted, That the said Trustees shall and may either continue or remove all or any of the present Turnpikes and Toll Gates which now stand across or on the Sides of the said Roads leading from *Petersfield* to the *Alton* Turnpike Road near *Ropley*, and set up in lieu thereof, or in addition thereto respectively, one or more Turnpike or Turnpikes, Toll Gate or Toll Gates, upon, across, or on the Sides of any Part of the said present Roads; and also erect and set up, or cause to be erected and set up, one or more Turnpike or Turnpikes, Toll Gate or Toll Gates, upon, across, or on the Side of the said Diversion hereinbefore mentioned; and erect or cause to be erected such Toll Houses, with suitable Outbuildings thereto, and inclose from any Grounds adjoining thereto such Garden Plots for the said Toll Houses respectively, not exceeding One-eighth Part of a Statute Acre for each Toll House, as they may judge proper; and shall and may cause all or any of such Turnpikes or Toll Gates and Toll Houses from Time to Time to be taken down and set up again, and to be removed, altered, and placed in such other Situations as they shall judge proper.

Tolls to be taken.

XIII. And be it further enacted, That the respective Tolls following shall be demanded and taken by such Person or Persons as the said Trustees shall from Time to Time appoint for that Purpose, before any Horse or other Beast or Cattle, Coach, Chaise, Waggon, Cart, or other Carriage, shall be permitted to pass through any of the said Turnpikes or Toll Gates, or any other or others to be erected or

set up in lieu of or in addition thereto, or any of them; (that is to say),

For every Horse or Beast of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Curricule, Calash, Chair, Caravan, Hearse, or Litter, or other such Carriage, the Sum of Nine-pence: Tolls.

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of less Breadth than Four Inches and a Half at the Bottom or Sole thereof, the Sum of One Shilling:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Four Inches and a Half, and less than Six Inches at the Bottom or Soles thereof, the Sum of Nine-pence:

For every Horse or Beast of Draught drawing any Waggon, Wain, Cart, or other such like Carriage, having the Fellies of the Wheels thereof of the Breadth of Six Inches or more at the Bottom or Soles thereof, the Sum of Sixpence:

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of Two-pence:

For every Score of Oxen or Neat Cattle the Sum of Ten-pence, and so in proportion for any greater or less Number; and

For every Score of Calves, Sheep, Lambs, or Swine, the Sum of Five-pence, and so in proportion for any greater or less Number.

XIV. Provided always, and be it further enacted, That in all Cases where there shall be a fractional Part of a Halfpenny in the Amount of the Tolls hereby granted and authorized to be taken, or any of them, the Sum of One Halfpenny shall be demanded and taken in lieu of such fractional Part. One Half-penny to be taken when the Tolls amount to a less Sum.

XV. Provided always, and be it further enacted, That only One full Toll shall be demanded or taken for or in respect of the same Horse or other Beast, for passing and repassing through any Turnpike to be erected by virtue of this Act; but after One full Toll shall have been paid as aforesaid, on a Note or Ticket being produced denoting the Payment of such Toll (and which Note or Ticket the Collector of the Toll is hereby required to deliver *gratis* on the Receipt of such Toll), no Toll shall be demanded or taken for or in respect of such Horse or other Beast passing and repassing through such Turnpike before Twelve of the Clock of the Night of the same Day. Tolls to be paid but once a Day.

XVI. Provided always, and be it further enacted, That no more than Two full Tolls shall be demanded or taken in the same Day (to be computed from Twelve of the Clock in one Night to Twelve of the Clock in the next succeeding Night), for or in respect of the same Horse, Cattle, or Beast passing and repassing through all the Turnpikes or Toll Gates maintained and supported by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, or either of them; but after Two full Tolls shall have been paid as aforesaid, on producing a Note or Ticket, or Notes or Tickets, denoting the Payment of such Tolls, the same Limiting the Number of Tolls on the whole Line of Road.
Horse,

Horse, Cattle, or Beast shall return Toll-free during such Day (to be computed as aforesaid), through all and every the Gate and Gates, Turnpike and Turnpikes, erected on the said Roads (except as herein-after mentioned); and the respective Collectors of the Tolls are hereby required to deliver such Notes or Tickets *gratis* on Receipt of the Toll in manner aforesaid.

Stage Coaches and Caravans to pay every Time of passing; and also Post Chaises, if hired afresh.

XVII. Provided also, and be it further enacted, That for or in respect of all Horses or other Beasts drawing any Stage Coach, or any Stage Waggon, Van, Caravan, or other Stage Carriage, carrying Passengers or Goods for Hire or Reward, for which Toll shall have been paid, the Tolls by this Act granted shall be paid for the repassing of the same through the said Turnpikes or Toll Gates, in like Manner as if no Toll had been before due or paid on passing; and the said Tolls shall be paid for or in respect of all Horses or other Beasts drawing any Post Chaise or other Carriage travelling for Hire, for every Time of their passing or repassing through the said Turnpikes or Toll Gates, as often as a fresh Hiring thereof shall take place; any thing herein-before contained to the contrary notwithstanding.

One Horse Carts may be weighed.

XVIII. And whereas it frequently happens that Carts drawn by One Horse carry a greater Weight than is by Law allowed for Carts drawn by Two or more Horses; be it therefore further enacted, That all Carts passing along the said Roads, drawn by One Horse only, shall and may be weighed at any Weighing Machine now erected or to be erected on the said Roads, and the like additional Tolls demanded, received, and recovered for the Overweight thereof, as are by Law payable in respect of the Overweight of Carts drawn by Two or more Horses; and all the Powers, Regulations, and Penalties now in force relating to the weighing of Waggons, Carts, and other Carriages drawn by more than One Horse, shall be applicable to Carts passing on the said Roads drawn by One Horse only, and to the Drivers, Masters, and Owners thereof.

Tolls vested in the Trustees.

XIX. And be it further enacted, That all and every the Tolls hereby granted and authorized to be taken, and also all and every the Tolls and Duties which are authorized to be taken by virtue of the said recited Acts of the Third and Fourth Years of the Reign of His present Majesty, shall be and are hereby vested in the said Trustees, and the same and every Part thereof shall be collected, recovered, levied, paid, applied, assigned, varied, and disposed of in such Manner as herein is mentioned and provided.

Leases, &c. existing at the passing hereof to be in force; and Persons owing Money under the former Act to remain liable.

XX. And be it further enacted, That all Leases, Contracts, and Agreements which are or shall be in existence at the Time of the passing of this Act, shall respectively continue in force until the Time when by the Terms and Conditions thereof the same will expire and determine, and the respective Lessees and Farmers of the Tolls shall in the meantime be entitled to collect and receive the Tolls by this Act granted, as fully and effectually as if the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King *George* the Third, and the First and Second Year of the Reign of His said present Majesty, had not been repealed; and all Persons who, under or by virtue of such

such Leases, Contracts, or Agreements, do or shall owe any Sum or Sums of Money to the said Trustees, shall be liable to the Payment of, and shall pay the same according to the Terms thereof respectively, to the said Trustees, notwithstanding the Repeal of the said Acts.

XXI. And be it further enacted That it shall be lawful for the said Trustees, and they are hereby fully authorized and empowered to set out, make, and complete, and from Time to Time to repair, widen, divert, and improve the said new Line of Road herein-before mentioned; and from and after the making thereof the same shall be and be deemed to be, to all Intents and Purposes, Part of the Roads included in this Act, and shall be deemed and taken to be, and shall be respectively public Highways for ever to all Intents and Purposes.

Power to make and repair the new Line of Road.

XXII. And whereas a Map or Plan, describing the Line of the said Diversion, has been deposited at the Office of the Clerk of the Peace for the said County of *Southampton*; be it therefore enacted, That the said Map or Plan shall remain in the Custody of the Clerk of the Peace for the said County, to the end that all Persons may at all seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying to the Clerk of the Peace for the Time being the Sum of One Shilling for every such Inspection, and at the Rate of Sixpence for every One hundred Words of such Copies or Extracts; and the said Trustees, in making the said Diversion described in the said Map or Plan, shall not deviate more than One hundred Yards from the Line thereof, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Grounds such Deviation shall be made.

Plan of the new Road to remain with the Clerk of the Peace open to Inspection.

Trustees not to deviate more than 100 Yards from Line without Consent.

XXIII. Provided always, and be it further enacted, That if any of the Lands intended to be taken or used for the Purposes of this Act shall happen not to be described in the said Map or Plan, or any of the Owners or Occupiers of the same, or any of the Lands described in the said Map or Plan, or any Part thereof, shall happen to be omitted, misnamed, or inaccurately described in the said Books of Reference, or any of them, such Omission, Misnomer, or inaccurate Description shall not prevent or retard the Execution of the said recited Acts of the Third, Fourth, and Fifth Years of the Reign of His said present Majesty and this Act, or any or either of them, but the said several Lands, and every Part thereof, shall and may be taken and used for the Purposes of this Act, as fully and effectually as if the Owners and Occupiers of the same had not been omitted, or were properly and accurately named, in case it shall appear to any Two or more Justices of the Peace of the County wherein such Lands shall be situated, and be certified by Writing under their Hands, that such Omission, Misnomer, or inaccurate Description proceeded from Mistake only, or that the real Owners or Occupiers of such Lands had Notice that the same would be wanted for the Purposes thereof.

Misnomer not to prevent the Execution of the Act.

Houses, &c.
not to be
taken without
Consent,
except as
herein men-
tioned.

XXIV. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Trustees, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Diversion, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-five, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Paddock, planted Walk or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively, other than and except a certain Paddock situate in the Parish of *Froxfield*, in the Occupation of *William Harmsworth*: Provided also, that if the said Trustees shall not within the Space of Five Years, to be computed from the Day of the passing of this Act, agree for, or cause to be valued and paid for, as by the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty is mentioned and directed, the several Lands, Tenements, and Hereditaments, which they are hereby empowered to purchase as aforesaid, or so much thereof as they shall deem necessary or proper for the Purposes of this Act, then and from thenceforth the Powers and Authorities by this Act granted to them, of purchasing the same, or such Part thereof as aforesaid, shall cease, determine, and be utterly void, (save and except with the Consent of the Owners and Proprietors thereof respectively.)

Application
of Compen-
sation Money
when exceed-
ing 200*l*.

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty and this Act, for the Purposes thereof respectively, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, Person or Persons under any Disability or Incapacity, as in the said Acts of the Third and Fourth Years of the Reign of His said Majesty particularly mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account *ex parte* the Trustees for executing this Act, pursuant to the Directions of an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, in the Purchase of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled

settled therewith to, the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made, the said Money shall, by Order of the Court of Exchequer, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXVI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Trustees (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the same be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

XXVII. And be it further enacted, That where such Money so agreed or awarded to be paid as before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner

Application when Compensation is less than 200*l.* but not less than 20*l.*

Application where the Money is less than 20*l.*

Manner as the Trustees shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, &c.

XXVIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Trustees, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall be lawful for the said Trustees to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Persons interested in the said Lands, Tenements, or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court; which said Court, on the Application of any Person or Persons making claim to such Sum and Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order the Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money.

XXIX. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of the said Acts and this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said Acts and this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, and Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of

of the said Court; and the Dividends or Interest of the said Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

XXX. And be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporations, entitled to any Lands, Tenements, Hereditaments, and Premises to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of such last-mentioned Purchases from Time to Time to be made in pursuance of this Act, or so much thereof as the said Court shall deem reasonable, to be paid by the said Trustees out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

The Court of Exchequer may order reasonable Expences of Purchases to be paid by Trustees.

XXXI. And be it further enacted, That all the Monies and other Effects which the said Trustees or any of them, or any Treasurer or other Person on their Behalf, are or is possessed of or entitled to by virtue of the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King *George* the Third, and the First and Second Year of the Reign of His present Majesty, so far as the same respectively belong to the said Road leading from *Petersfield* to the *Alton* Turnpike Road near *Ropley* aforesaid, or otherwise, shall be by the said Trustees applied, first in paying the Expences of procuring and passing this Act, then in paying the Interest and Principal of all Monies now due and owing on the Credit of the Tolls granted by the said recited Acts of the Twelfth and Thirty-sixth Years of the Reign of His late Majesty King *George* the Third, and the First and Second Year of the Reign of His said present Majesty, or which may hereafter become due and owing on the Credit of this Act, or the Tolls hereby granted, and afterwards in repairing, widening, altering, diverting, and otherwise improving the Roads now included in the said recited Acts hereby repealed, and in making, repairing, altering, widening, diverting, and otherwise improving the said Diversion herein-before mentioned, and in otherwise defraying the Expences attending the Execution of this Act and the said recited Acts of the Third and Fourth Years of the Reign of His said present Majesty, and to and for no other Use or Purpose whatsoever.

Application of Tolls.

XXXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Public Act.

XXXIII. And be it further enacted, That this Act shall commence and take effect from the passing thereof, and shall continue and be

Term and Continuance in of this Act.

[Local.]

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in force, and be executed, for and during the Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament.

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